

Decision

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Adventure Bros., Inc. d/b/a Swoop for authority to operate as scheduled passenger stage corporation between points in the county of Ventura (including the city of Thousand Oaks and the community of Newbury Park) and to establish a Zone of Rate Freedom.

Application 14-05-020
(Filed May 19, 2014)

D E C I S I O N G R A N T I N G A P P L I C A T I O N**Summary**

This decision grants the application of Adventure Bros., Inc., dba Swoop, a California Corporation, pursuant to Pub. Util. Code §§ 1031, et seq., for a Certificate of Public Convenience and Necessity to operate as a scheduled Passenger Stage Corporation, as defined in Pub. Util. Code § 226, and to establish a Zone of Rate Freedom pursuant to Pub. Util. Code § 454.2.

Discussion

Adventure Bros., Inc. (Applicant), requests authority to operate as a scheduled Passenger Stage Corporation (PSC) to transport passengers between points in Ventura County, including the cities of Thousand Oaks and Newbury Park.

This proposed service will operate between 101 Memorial Parkway, Thousand Oaks, then over various streets within the geographical limits of the community of Newbury Park and the city of Thousand Oaks, and then return to 101 Memorial Parkway. The proposed regularly scheduled service will operate on demand three days a week with five or six trips. Applicant states its ridesharing services will reduce the number of vehicles on the highway. A

California Environmental Quality Act review is not required, because it will not have a significant adverse effect on the environment.

The proposed one-way fare is \$7. An annual membership fee is available for \$25, with a member single-night bus pass for \$10. Non-members can purchase a single-night bus pass for \$15. Applicant requests authority to establish a Zone of Rate Freedom (ZORF) of \$3 above and below fares less than \$10, and \$5 above and below fares greater than \$10. The minimum fare will be \$7. This competitive environment should result in Applicant pricing its service at a reasonable level.

Applicant filed a concurrent motion on May 19, 2014, for leave to file its balance sheet and income statement (Exhibit G) and projected annual income and expense statement (Exhibit H) under seal. Administrative Judge (ALJ) Hallie Yacknin ruled on June 3, 2014, that the information in Exhibits G and H is of the type that is not commonly made public and which, if made public, could subject the applicant to an unfair business disadvantage, and granted the unopposed motion of the applicant to file Exhibits G and H under seal.

Notice of filing of the application appeared in the Commission's Daily Calendar on May 27, 2014. Applicant served notice of the application to the involved cities, county, and public transit operators in the service area.

In Resolution ALJ 176-3337, dated June 12, 2014; the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3337.

Since the proposed service will reduce the number of vehicles on the public highways in between points in Ventura County, including the cities of Thousand Oaks and Newbury Park., a California Environmental Quality Act

review is not required because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Safety Considerations

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety: Proof of insurance pursuant to General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Denise Y. Tyrrell is the assigned Examiner in this proceeding.

Findings of Fact

1. The application requests authority to operate as a scheduled PSC to transport passengers between points in Ventura County, including the cities of Thousand Oaks and Newbury Park.
2. Public convenience and necessity requires the proposed service.

3. Applicant requests authority to establish a Zone of Rate Freedom of \$3 above and below fares less than \$10, and \$5 above and below fares greater than \$10. The minimum fare will be \$7.
4. Applicant will compete with other means of passenger transportation.
5. The applicant's Motion for Leave to File Confidential Information under Seal was granted by ALJ Hallie Yacknin on June 3, 2014.
6. No protest to the application has been filed.
7. A public hearing is not necessary.
8. Proposed service will reduce the number of vehicles on the public highways therefore it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application should be granted.
2. The request for a ZORF should be granted because the ZORF is fair and reasonable.
3. Before Applicant changes any fares under the ZORF authorized by this decision, Applicant should be required to give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.
4. Because the matter is uncontested, the decision should be effective on the date it is signed.
5. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify these rights at any time.

O R D E R

IT IS ORDERED that:

1. A Certificate of Public Convenience and Necessity is granted to Adventure Bros., Inc., a California Corporation, authorizing it to operate as a scheduled Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers between the points and over the routes set forth in Appendix PSC-33869, subject to the conditions contained in the following Ordering Paragraphs.

2. Adventure Bros., Inc., shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. File tariffs on or after the effective date of this decision.
The tariff shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with Commission's General Orders Series 101 and 158, and the California Highway Patrol safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing will result in suspension and/or revocation of authority.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the Pull Notice System as required by Vehicle Code § 1808.1.

3. Adventure Bros., Inc., is authorized under Pub. Util. Code § 454.2 to establish a Zone of Rate Freedom of \$3 above and below fares less than \$10, and \$5 above and below fares greater than \$10. The minimum fare will be \$7.

4. Adventure Bros., Inc., shall file a Zone of Rate Freedom (ZORF) tariff with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The ZORF shall expire unless exercised within 120 days after the effective date of this order.

5. Adventure Bros., Inc., may make changes within the Zone of Rate Freedom by filing amended tariffs with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Adventure Bros., Inc., shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. Adventure Bros., Inc. (Applicant), is authorized to begin operations on the date that the Safety and Enforcement Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph No. 2 have been filed with the Commission and that the California Highway Patrol has approved the use of Applicant's vehicles for service.

8. The Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation-33869, granted herein, expires unless exercised within 120 days after the effective date of this order.

9. The Application is granted as set forth above.
10. This proceeding is closed.

This order is effective today.

Dated , at San Francisco, California.

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-33869

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

Adventure Bros., Inc., by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on a scheduled basis over the routes described in Section II, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. Service will be operated only at the points described in Section II. A description of all the stop points and the arrival and departure times from such points shall be indicated in the timetable filed with the Commission.
- c. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. ROUTE DESCRIPTIONS.

Scheduled Service

Commencing from 101 Memorial Parkway, Thousand Oaks, via certain streets within the geographical area limits of the community of Newbury Park and the City of Thousand Oaks, and return.